THE HONOURABLE MS. JUSTICE G.ROHINI

W.P.No.20789 of 1997
Date: 09-10-2007

Between:
Mogili Suraiah and others

Petitioners

And

The District Collector,
East Godavari, Kakinada and others

Respondents

THE HONOURABLE MS. JUSTICE G.ROHINI

W.P.No.20789 of 1997

ORDER:

1. The petitioners herein claim to be the owners of different extents of land situated in Gokavaram Village and Mandal, East Godavari District, having purchased the same under registered sale deeds long back.

2. It is stated that they have constructed shops on the said land with the approval of the Gram Panchayat and continuing in possession and enjoyment of the property in question.

3. Alleging that the respondents were earmarking a portion of the buildings of the petitioners for demolition for the purpose of alleged widening of National Highway-7, this writ petition has been filed seeking a declaration that the action of the respondents in seeking to demolish the buildings bearing Nos. 14-33 and 14-34 situated at Gokavaram village and Mandal, as arbitrary and illegal.

4. This court, while granting Rule nisi by order dated 30-08-1997 ordered interim stay of dispossession of the petitioners. The said order continued in operation all through and no counter affidavit has been filed by any of the respondents so far.

5. Having regard to the facts and circumstances of the case and particularly keeping in view the uncontradicted averments in the writ petition, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to interfere with the possession of the petitioners in respect of the property in

question in any manner whatsoever without following due process of law.

6. Accordingly, the writ petition is disposed of. No costs.

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G.ROHINI,J

09-10-2007

Stp